

### **REMARKS / ARGUMENTS**

This application is believed to be in condition for allowance because the claims, as amended, are believed to be non-obvious and patentable over the cited references. The following paragraphs provide the justification for this belief. In view of the following reasoning for allowance, the Applicant hereby respectfully requests further examination and reconsideration of the subject patent application.

In addition, it should be noted that independent claim 1 has been amended to incorporate the subject matter of existing dependent claims 10 and 11. Similarly, independent claim 18 has been amended to incorporate the subject matter of existing dependent claims 21 and 22. Finally, independent claim 12 has been amended to more clearly define the existing limitations of that claim consistent with the existing claim language and with the specification. ***Consequently, no new matter has been added, and no new search is required.***

#### **1.0 Rejections under 35 U.S.C. §102(e):**

In the Office Action of June 16, 2004, claims 1-2, 5-12 and 17-22 were rejected under 35 U.S.C. §102(e), as being anticipated by Kelly, et al. ("**Kelly**," U.S. Patent No. 6,209,007). A rejection under 35 U.S.C. §102(e) requires that the Applicant's invention was described in patent granted on an application for patent by another filed in the United States before the invention thereof by the Applicant. To establish that a patent describes the Applicant's invention, *all of the claimed elements of an Applicant's invention must be considered, especially where they are missing from the prior art.* If a claimed element is not taught in the referenced patent, then a rejection under 35 U.S.C. §102(e) is not proper, as the Applicant's invention can be shown to be patentably distinct from the cited reference. In view of the following discussion, the Applicants will show that one or more elements of the Applicants claimed invention are missing from the cited art, and that the Applicants invention is therefore patentable over that cited art.

### 1.1 Rejection of Claims 1-2 and 5-9:

The Office Action rejected independent claim 1 under 35 U.S.C. §102(e) based on the rationale that the **Kelly** reference discloses the Applicants' claimed "...system for automatically generating at least one web page ..." However, the Applicants respectively suggest that independent claim 1, as amended, is patentably distinct from the cited reference.

In general, the **Kelly** reference discloses a system for creating customized web pages **from a combination of other existing web pages in response to a client initiated search** (see abstract). These customized web pages are constructed, in part by retrieving information relating to the client search, along with the existing structure or format of that information, from one or more web pages which include information matching the search criteria (see FIG. 2 and col. 2, lines 8-58). Further, in one embodiment, a server computer uses a "customized table" which supplies the information pointed to by the URLs returned by the client search "to keep track of the customized web pages, items and address of the clients" (see col. 6, lines 15-18). Consequently, it should be clear that the system described by Kelly automatically creates new web page coding (using HTML, Java™, etc.) by combining information extracted from existing web pages to create new customized web pages.

In stark contrast, the Applicants are describing and claiming a system wherein a "Web Component," or web page generation script, uses the **same script and HTML for all implementations or instantiations** of the Web Component regardless of which, or how many, unique local clients make use of the Web Component. This code reuse is accomplished by using entry web pages, or "entry points," to set the value of function properties or parameters of the Web Component for dynamically and automatically generating a web page (see page 2, lines 15-13 of the Specification, and claim 1, as amended). One clear advantage of such code reuse is the ability to provide for multiple unique web pages with one common script, rather than requiring separately coded

scripts, or web page coding generated in response to manually entered user search criteria.

In other words, while the **Kelly** reference requires a client to manually specify search criteria which is then used to create a composite customized web page, the Applicants describe and claim a system wherein a customized web page is automatically created, **using predefined code**, as a function of which of a plurality of entry points is addressed by the user. Clearly, creating a customized web page by addressing a particular entry point is **not** equivalent to the manual entry of search criteria which is then used to construct a composite customized web page.

Limitations directed to the use of unique entry points addressable by each local client computer to cause the claimed web page generation scripts to automatically generate unique web pages depending upon which entry point is addressed were previously included as limitations in dependent claims 10 and 11. These limitations have now been included in independent claim 1. It should be clear that in view of the preceding discussion, that these limitations are not disclosed by the **Kelly** reference.

The Office Action addressed the limitations of claim 10 and 11 by suggesting that these limitations were disclosed by the **Kelly** reference. In particular, with respect to claim 10, the Office Action suggested that "Kelly teaches each web page generation script includes at least one unique entry point addressable by each local client computer." The Office Action offers col. 6, lines 15-18 in support of this argument.

However, the text of col. 6, lines 15-18 reads in its entirety: "Server customized table -- Table used by the network server that supplies the information pointed to by URLs on the web page, to keep track of the customized web pages, items and addresses of the clients." As discussed above, the Applicants interpret this text to mean simply that in one embodiment, a server computer uses a "customized table" which supplies the information pointed to by the URLs returned by the client search "to keep

track of the customized web pages, items and address of the clients.” Clearly, this does not describe the use of unique “entry points” **to a web page generation script** for the purpose of causing uniquely customized web pages to be pages to be automatically generated.

Further, with respect to claim 11, the Office Action argues that “Kelly teaches each entry point addressed by any local client computer causes at least one web page generation script to automatically generate a unique web page depending upon which entry point is addressed.” The Office Action offers col. 6, lines 19-21 in support of this argument.

However, the text of col. 6, lines 19-21 reads in its entirety: “Bookmark files -- These files contain addresses of URLs selected and frequently accessed by the client computer and are found on web browsers that are on the client computers.” Clearly, the **Kelly** reference is describing conventional bookmarks, used by virtually every conventional web browser, which point to particular web addresses for use in accessing web pages resident at those addresses. Such bookmarked web addresses can be used to return different web pages depending upon which bookmark is selected. However, the selection of the particular bookmarks described by the **Kelly** reference for calling particular web pages are completely without any capability whatsoever to cause **a web page generation script to automatically generate a unique web page** depending upon which bookmark is selected.

Further, it should be clear that the limitations of claim 11 further limit the limitations of claim 10, as claim 11 was dependent upon claim 10 before those limitations were included in independent claim 1 by way of the present amendment. Consequently, the limitations of claim 11 must be interpreted in light of the limitations of claim 10. Unfortunately, the Office Action appears to have taken the limitations of claim 11 out of their appropriate context by interpreting those limitations to be equivalent to conventional browser-type bookmarks.

A more appropriate interpretation of the combination of the limitations of claims 10 and 11, now included in independent claim 1, is that the clients are providing a system wherein "at least one **web page generation script**... includes a **plurality of unique entry points** addressable by each local client computer..." Unique web pages are then automatically generated "...by setting... variable function parameters of... the web page generation scripts **depending upon which entry point is addressed**..." (see claim 1, as amended).

Clearly, the claimed system is neither disclosed, nor in any way rendered obvious, by the cited **Kelly** reference. Consequently, in view of the preceding discussion, it is clear that the present invention, as claimed by independent claim 1, as amended, has elements not disclosed in the **Kelly** reference. Consequently, the rejection of claim 1 under 35 U.S.C. §102(e) is not proper. Therefore, the Applicant respectfully requests reconsideration of the rejection of claim 1, as amended, and thus of dependent claims 2, and 5-9, under 35 U.S.C. §102(e) in view of the language of claim 1. In particular, claim 1 recites the following novel language:

"A system for automatically generating at least one web page comprising:

running at least one **web page generation script on a remote server** computer;

wherein each web page generation script includes at least one encapsulated web-based function for defining at least one characteristic of each automatically generated web page, and wherein each web-based function further includes at least one variable function parameter;

wherein **each web page generation script includes a plurality of unique entry points** addressable by each local client computer;

automatically generating the at least **one unique web page** by setting at least one of the variable function parameters of at least one of the web page generation scripts **depending upon which entry point is**

**addressed** by in response to a communication from at least one local client computer to the remote server; and  
automatically transmitting each automatically generated web page from the remote server to the local client.” (emphasis added)

## 1.2 Rejection of Claims 12-17:

The Office Action rejected independent claim 12 under 35 U.S.C. §102(e) based on the rationale that the **Kelly** reference teaches the Applicant's claimed process for automatically generating least one web page. However, the Applicants respectively suggest that independent claim 12, as amended, is patentably distinct from the cited reference.

Independent claim 12 has been amended to more clearly define the existing limitations of that claim consistent with the existing claim language and with the specification. In particular, rather than reciting that the claimed “dynamic web page generation script” is limited to “**at least one**” addressable pre-defined entry point, it has been amended to reflect that the claimed invention provides for a plurality of addressable pre-defined entry points by modifying the language of claim 12 to recite that the claimed “dynamic web page generation script” has “**two or more pre-defined entry points**” (emphasis added). Consequently, the limitations of claim 12 are similar to the limitations of independent claim 1, with respect to the use of multiple entry points to a web page generation script for automatically generating unique web pages as a function of which entry point is addressed. Therefore, the discussion provided above with respect to claim 1 also applies to the discussion of the rejection of claim 12, with respect to these limitations.

In rejecting claim 12, the Office Action first suggests that the **Kelly** reference discloses “a dynamic web page generation script having at least one pre-defined entry point...” The Office Action offers Col 5. lines 9-25 in support of this argument.

However, as noted above, independent claim 12 has been amended to make it more clear that the claimed "web page generation script" includes a plurality of "pre-defined entry points." Further, Col 5, lines 9-25 of the **Kelly** reference merely explains that customized web pages are created in response to a manually entered user search by constructing the customized web pages using a combination of information extracted from various URLs. This described capability of the **Kelly** reference has nothing whatsoever to do with web page generation script which is driven to automatically create customized web pages in directed response to a client's communication to one of the unique entry points. The search based web page customization feature described by the **Kelly** reference is simply not equivalent to the entry point based web generation script described and claimed by the Applicants.

Further, the Office Action addressed the Applicants claimed limitation of "wherein the at least one web page automatically generated in response to the input passed to one of the web page generation script entry points is unique from web pages automatically generated in response an input passed to any other of the web page generation script entry points" by offering col. 4, lines 38-47 as teaching this limitation.

However, the text of col. col. 4, lines 38-47 reads in its entirety:

**"database 16 contains one or more customized web pages** created using information retrieved from such other web pages, for example URL 1 (26), URL 2 (27) or URL 3 (28). Preferably, both databases 14, 16 are physically present in the client computers, but they may be located elsewhere, so long as the client computer has access to the information therein. A screen 12 on client computer 10 is able to display the created customized web pages containing information accessed from other web pages on the network." (emphasis added)

In other words, the **Kelly** reference is simply describing a system wherein web pages that are generated in response to **manually entered user search criteria** are **stored** in a user accessible database. The individual web pages in this database are then accessible to the user.

The Applicants respectfully suggest that the database described by **Kelly** for simply storing different web pages fails completely to disclose a **web page generation script** that **automatically generates unique web pages** depending upon **which entry point is addressed by a client computer**, as disclosed and claimed by the Applicants.

Clearly, the claimed system is neither disclosed, nor in any way rendered obvious, by the cited **Kelly** reference. Consequently, in view of the preceding discussion, it is clear that the present invention, as claimed by independent claim 12, as amended, has elements not disclosed in the **Kelly** reference. Consequently, the rejection of claim 12 under 35 U.S.C. §102(e) is not proper. Therefore, the Applicant respectfully requests reconsideration of the rejection of claim 12, and thus of dependent claims 13-17, under 35 U.S.C. §102(e) in view of the language of claim 12. In particular, claim 12 recites the following novel language:

“At least one web page automatically generated in accordance with the following acts:

providing a remote server computer in communication with the Internet, the remote server hosting a **dynamic web page generation script having two or more pre-defined entry points** addressable by at least one local client computer;

receiving an input at the remote server from one of the local client computers via the Internet;

automatically **passing the input to one of the web page generation script entry points**;



automatically generating at least one web page in response to the input passed to one of the web page generation script entry points; and  
***wherein the at least one web page automatically generated in response to the input passed to one of the web page generation script entry points is unique from web pages automatically generated in response an input passed to any other of the web page generation script entry points.***" (emphasis added)

### 1.3 Rejection of Claims 18-20:

The Office Action rejected independent claim 18 under 35 U.S.C. §102(e) based on the rationale that the ***Kelly*** reference discloses the Applicant's claimed "computer executable instructions for ***dynamically generating at least one web page...***" (emphasis added). However, the Applicants respectively suggest that independent claim 18, as amended, is patentably distinct from the cited reference.

Note that the limitations of claim 18 are similar to the limitations of independent claims 1 and 12, with respect to the use of multiple entry points to a web page generation script for automatically generating unique web pages as a function of which entry point is addressed. Therefore, the discussion provided above with respect to claims 1 and 12 also apply to the discussion of the rejection of claim 18, with respect to these limitations.

Further, as described above with respect to the rejection of independent claim 1, the ***Kelly*** reference requires a client to manually specify search criteria which is then used to create a composite customized web page. However, in stark contrast, the Applicants describe and claim a system wherein a customized web page is automatically created, ***using predefined code***, as a function of which of a plurality of entry points is addressed by the user. Clearly, creating a customized web page by

addressing a particular entry point is **not** equivalent to the manual entry of search criteria which is then used to construct a composite customized web page.

Limitations directed to the use of unique entry points addressable by each local client computer to cause the claimed web page generation scripts to automatically generate unique web pages depending upon which entry point is addressed were previously included as limitations in dependent claims 21 and 22. These limitations have now been included in independent claim 18. Further, the limitation of claim 21, as added to claim 18, was further amended to refer to a "**plurality of addressable entry points**" rather than to "at least one entry point." Consequently, it should be clear that in view of the preceding discussion, that these limitations are not disclosed by the **Kelly** reference.

In particular, the Office Action addressed the limitations of claim 21 and 22 by suggesting that these limitations were disclosed by the **Kelly** reference. In particular, with respect to claim 21, the Office Action suggested that "Kelly teaches the dynamic web page generation script includes at least one addressable entry point." The Office Action offers col. 6, lines 15-18 in support of this argument.

However, as discussed above, the text of col. 6, lines 15-18 should be interpreted this to mean simply that in one embodiment, a server computer uses a "customized table" which supplies the information pointed to by the URLs returned by the client search "to keep track of the customized web pages, items and address of the clients." Clearly, this does not describe the use of a plurality of unique "entry points" to a **dynamic web page generation script** for the purpose of causing uniquely customized web pages to be pages to be **automatically generated depending upon which entry point is addressed** by the client.

Further, with respect to claim 22, the Office Action argues that "Kelly teaches the appearance and content of each dynamically generated customized web page is

dependent upon which entry point is addressed.” The Office Action offers col. 6, lines 19-21 in support of this argument.

However, as discussed above, the text of col. 6, lines 19-21 is merely describing conventional bookmarks which are used by virtually every conventional web browser which point to particular web addresses for use in accessing web pages resident at those addresses. Such bookmarks web addresses can be used to return different web pages depending upon which bookmark is selected. However, the selection of the particular bookmarks described by the *Kelly* reference are completely without any capability whatsoever to cause **a web page generation script to automatically generate a unique web page** depending upon which bookmark is selected.

Further, it should be clear that the limitations of claim 22 further limit the limitations of claim 21, as claim 22 was dependent upon claim 21 before those limitations were included in independent claim 18 by way of the present amendment. Consequently, the limitations of claim 22 must be interpreted in light of the limitations of claim 21. Unfortunately, the Office Action appears to have taken the limitations of claim 22 out of their appropriate context by interpreting those limitations to be equivalent to conventional browser-type bookmarks.

A more appropriate interpretation of the combination of the limitations of claims 21 and 22, now included in independent claim 18, is that the clients are providing a system wherein “a dynamic **web page generation script**... includes a **plurality of addressable entry points**...” Unique web pages are then automatically generated, “wherein **the appearance and content of each... web page is dependant upon which entry point is addressed by the intermediate page**...” (see claim 18, as amended).

Clearly, the claimed system is neither disclosed, nor in any way rendered obvious, by the cited *Kelly* reference. Consequently, in view of the preceding

discussion, it is clear that the present invention, as claimed by independent claim 18 has elements not disclosed in the **Kelly** reference. Consequently, the rejection of claim 18 under 35 U.S.C. §102(e) is not proper. Therefore, the Applicants respectfully request reconsideration of the rejection of claim 18, and thus of dependent claims 19-20, under 35 U.S.C. §102(e) in view of the language of claim 18. In particular, claim 18 recites the following novel language:

“A computer-readable medium having computer executable instructions for dynamically generating at least one web page, said computer executable instructions comprising:

a dynamic web page generation script capable of accepting parameters passed from an intermediate page used to call the dynamic web page generation script;

wherein the dynamic web page generation script further comprises at least one encapsulated web-based function which is automatically configured in response to the parameters passed from the intermediate page, and **wherein the dynamic web page generation script also includes a plurality of addressable entry points;**

dynamically generating at least one customized web page in response to the automatic configuration of each encapsulated web-based function, **wherein the appearance and content of each dynamically generated customized web page is dependant upon which entry point is addressed by the intermediate page;** and

transmitting each customized web page from a remote host computer to at least one local client computer via a network.” (emphasis added)

## **2.0 Rejections under 35 U.S.C. §103(a):**

In the Office Action of June 16, 2004, claims 3-4 were rejected under 35 U.S.C. §103(a) as being unpatentable over **Kelly** in view of Mantha, et al. ("**Mantha**," U.S. Patent No. 6,163,779). In addition, claim 16 was rejected under 35 U.S.C. §103(a) as being unpatentable over **Kelly**.

In order to deem the Applicant's claimed invention unpatentable under 35 U.S.C. §103(a), a prima facie showing of obviousness must be made. However, as fully explained by the M.P.E.P. Section 706.02(j), to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, ***the prior art reference (or references when combined) must teach or suggest all the claim limitations.***

Further, in order to make a prima facie showing of obviousness under 35 U.S.C. 103(a), ***all*** of the claimed elements of an Applicant's invention must be considered, ***especially when they are missing from the prior art. If a claimed element is not taught in the prior art and has advantages not appreciated by the prior art, then no prima facie case of obviousness exists.*** The Federal Circuit court has stated that it was error not to distinguish claims over a combination of prior art references where a material limitation in the claimed system and its purpose was not taught therein (*In Re Fine*, 837 F.2d 107, 5 USPQ2d 1596 (Fed. Cir. 1988)).

## **2.1 Rejection of Claims 4 and 5:**

Claims 4 and 5 was rejected under 35 U.S.C. §103(a) based on the rationale that **Kelly**, in view of **Mantha**, teaches the Applicants claimed "system for automatically

generating at least one web page..." However, the Applicants respectively suggest that dependent claims 4-5 are patentably distinct from the combination of the cited references in view of their dependency from independent claim 1, as amended.

In particular, the Applicants have shown that the rejection of the parent claim, i.e., independent claim 1, as amended, is invalid under 35 U.S.C. §102(e). Consequently, as there is no valid rejection of the parent claim, the use of the combined **Kelly - Mantha** reference to address particular claimed features of dependent claims 4 and 5 must also be invalid.

Therefore, because there is no valid rejection of the parent claim, the Applicants respectfully suggest that no prima facie case of obviousness has been established in accordance with M.P.E.P. Section 706.02(j) and in accordance with the holdings of *In Re Fine*. This lack of a prima facie showing of obviousness means that the rejected claims 4-5 are patentable under 35 U.S.C. §103(a). The basis for this patentability is the nonobvious language of independent claim 1, as cited above, and of the novel language of claims 5 and 7 in view of claim 1. Therefore, the Applicants respectfully request reconsideration of the rejection of claims 4-5 under 35 U.S.C. §103(a) over **Kelly** in view of **Mantha** in view of the non-obviousness of claim 1, as amended.

## **2.1 Rejection of Claim 16:**

Claim 16 was rejected under 35 U.S.C. §103(a) based on the rationale that **Kelly**, in view of **Mantha**, teaches the Applicants claimed process for automatically generating least one web page. However, the Applicants respectively suggest that dependent claim 16 is patentably distinct from the cited reference in view of its dependency from independent claim 12, as amended.

In particular, the Applicants have shown that the rejection of the parent claim, i.e., independent claim 12, as amended, is invalid under 35 U.S.C. §102(e).

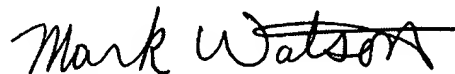
Consequently, as there is no valid rejection of the parent claim, the use of the **Kelly** reference to address particular claimed features of dependent claim 16 must also be invalid.

Therefore, because there is no valid rejection of the parent claim, the Applicants respectfully suggest that no prima facie case of obviousness has been established in accordance with M.P.E.P. Section 706.02(j) and in accordance with the holdings of *In Re Fine*. This lack of a prima facie showing of obviousness means that the rejected claim 16 is patentable under 35 U.S.C. §103(a). The basis for this patentability is the nonobvious language of independent claim 12, as cited above, and of the novel language of claims 16 in view of claim 12. Therefore, the Applicants respectfully request reconsideration of the rejection of claim 16 under 35 U.S.C. §103(a) over **Kelly** in view of the non-obviousness of claim 12, as amended.

### CONCLUSION

In view of the above, it is respectfully submitted that claims 1-9 and 12-20 are in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of claims 1-9 and 12-20 and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicant kindly invites the Examiner to telephone the Applicant's attorney at (805) 278-8855 if the Examiner has any questions or concerns.

Respectfully submitted,



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